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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,263	10/31/2001	Robert Olsen	ITW-13410	3925

7590 04/17/2003

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EXAMINER

MOHANDESI, JILA M

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 04/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,263

Applicant(s)

OLSEN ET AL.

Examiner

Jila M Mohandesi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen (6,182,821). Olsen '821 discloses a carrier constructed of a planar sheet of flexible plastic material for carrying a plurality of containers, the carrier comprising; a plurality of container receiving openings (20) arranged in a longitudinal row, each container receiving opening engaging a container; a panel (30) extending transversely from the longitudinal row; and a handle (elongated aperture) along an outer periphery of the panel. The panel will inherently invert upwardly and at least partially against the containers when the handle is lifted.

With respect to claim 3, note the cutouts in panel (30) in Figure 1 embodiment.

With respect to claim 4, note the label (25) in Figure 1 embodiment.

With respect to claims 6 and 11, note the line of weakness (40) in Figure 1 embodiment.

With respect to claims 7, note edges (19) in Figures 1 and 4 embodiments.

With respect to claim 12, note the pull tab (45) extending from the line of weakness (40) in Figure 1 embodiment.

3. Claims 1-3, 5, 7-10, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Marco et al. (5,072,829). Marco '829 discloses a carrier constructed of a planar sheet of flexible plastic material for carrying a plurality of containers, the carrier comprising; a plurality of container receiving openings (14) arranged in a longitudinal row, each container receiving opening engaging a container; a panel (40) extending transversely from the longitudinal row; and a handle (elongated aperture) along an outer periphery of the panel. The panel will inherently invert upwardly and at least partially against the containers when the handle is lifted. See Figures 1 and 2 embodiments.

With respect to claim 3, note the cutout in panel (40) in Figure 1 embodiment.

With respect to claims 7, note edges (60) in Figure 2 embodiment.

With respect to claim 12, note the pull tab (45) extending from the line of weakness (40) in Figure 1 embodiment.

With respect to claim 13, the panel will inherently be capable of displaying product information when the panel is flush and flat with respect to the containers.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-5, 7-10, 13-15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marco et al. (6,230,880) in view of Solmski (5,868,659). Marco '880 discloses a carrier constructed of a planar sheet of flexible plastic material for carrying a plurality of containers, the carrier comprising; a plurality of bottles/container receiving openings (20) arranged in a longitudinal row, each container receiving opening engaging a container; a panel (35) extending transversely from the longitudinal row. The panel can be used as a handle and is strong enough to support the weight of the containers if used as a handle for the carrier (See column 1, lines 42-45). The panel (35) accommodates UPC and proof of purchase labels, graphics and promotional information. Marco '880 does not appear to teach an elongated aperture positioned along the outer periphery of the panel. Slomski '659 discloses that providing elongated apertures along the outer periphery of a panel is desirable to facilitate ease of handling of the carrier. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide elongated apertures along the outer periphery of the panel of Marco '880 as taught by Slomski '659 to facilitate ease of handling of the carrier.

With respect to claim 3, note cut outs (25) in Figure 1 embodiment.

With respect to claim 4, see column 4, lines 3-9.

With respect to claim 18, note weakened area (40) in Figure 2 embodiment, which generates a sharp crease when the panel is inverted.

6. Claims 6, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the above references as applied to claims 1, 8 and 14 above, and further in view of

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Olsen (6,148,994). Marco `880 as modified above discloses all the limitations of the claims except for a line of weakness extending between the panel and the bottles/containers. Olsen `994 discloses a line of weakness (80) extending between the panel and the bottles/containers to permit easier removable of each bottle from within the respective container receiving openings. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a line of weakness between the panel and bottles of Marco `880 as taught by Olsen 994 to permit for easier removal of the bottles from the carrier.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are carriers analogous to applicant's invention.

8. Telephone inquiries regarding the status of application or other general questions, by persons entitled to the information "should be directed to the group clerical personnel and not to the Examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners", M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148 or the Tech Center 3700 Customer Service Center number is (703) 306-5648. For applicant's convenience, the Group Technological Center FAX number is (703) 872-9302. (Note that the Examiner cannot confirm receipt of faxes) Please identify Examiner Mohandesi of Art Unit 3728 at the top of your cover sheet of any correspondence submitted. Inquiries only concerning the merits of the examination should be directed to Jila

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Mohandesi whose telephone number is (703) 305-7015. The examiner can normally be reached on Monday-Friday 7:30-4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (703) 308-2672.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g. copies of references cited, form PTO-1449, for PTO-892, etc. requests for copies of such papers should be directed to Donna Monroe at (703) 308-2209.

Check out our web-site at "www.uspto.gov" for fees and other useful information.

J. MOHANDESI
PATENT EXAMINER



Jila M Mohandesi
Examiner
Art Unit 3728

JMM
April 14, 2003